



Phillips Lytle LLP

Via ECF

Hon. Paul G. Gardephe, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, NY 10007

October 13, 2022

Re: FTE Networks Inc. v. Singal, Case No. 22-cv-05960-PPG
Parties' Joint Request to Adjourn Pretrial Conference

Dear Judge Gardephe:

This firm represents Joseph Cunningham, a defendant in the referenced action. Plaintiff and counsel for all defendants consent to this request that the pretrial conference scheduled for next Thursday, October 20, 2022 be adjourned. It is premature for the parties to agree on the scope of this complicated RICO case, and set its schedule.

Plaintiff's response to certain defendants' pre-motion letter (Dkt. No. 20) is not due until tomorrow. Mr. Cunningham's pre-motion letter, by agreement with Plaintiff, is not due until November 7, 2022.

The parties respectfully request that the pretrial conference be adjourned in order to provide the Court with the opportunity to assess the proposed motions to dismiss in advance of setting a discovery schedule. If a pre-motion conference is scheduled, the parties could confer with the Court at the conference regarding the appropriateness of any briefing or discovery schedule.

Respectfully,

Phillips Lytle LLP

By /s/ Joseph B. Schmit

Joseph B. Schmit
Doc #10723096.1

MEMO ENDORSED: The initial pretrial conference in this case is adjourned to December 1, 2022 at 10:00 a.m. in Courtroom 705 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York.

SO ORDERED.

Paul G. Gardephe
United States District Judge
Dated: October 18, 2022